

REMARKS

Claims 1-22 are pending. The Examiner has rejected claims 1-22.

Claim Rejections under 35 U.S.C. § 102(e)

Claims 1-6, 8, 9, 11-14, and 16-22 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Lajoie et al. (U.S. Pub. 2004/0015952A1). Applicants respectfully traverse the rejection.

With regard to the anticipation rejections, MPEP 2131 states, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 2 USPQ2d 1051, 1053 (Fed.Cir. 1987). MPEP 2131 also states, “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Regarding independent claim 1 and its dependent claims (i.e., claims 2-15), claim 1 recites “[a] system that facilitates updating of firmware in an electronic device with a file system, the system comprising an electronic device comprising: at least one of volatile and non-volatile memory; loader software that supports a plurality of loaders; update software that supports retrieving information for updating firmware in the electronic device; and communication software that administers communicating the information for updating firmware from a server.”

Applicants respectfully submit that the cited prior art, Lajoie, does not teach the claimed invention of claim 1. More specifically, for example, Lajoie does not teach “loader software that supports a plurality of loaders.” Examiner asserts that the firmware integrity checker (FIC), disclosed by Lajoie, functions as loader software. Applicants respectfully disagree. Lajoie discloses that the FIC is the first code to run when control is transferred from the boot ROM to the NVM (non-volatile memory), and that the FIC transfers control to the application program. The functions performed by the FIC do not constitute loader software. Additionally, Lajoie does not disclose supporting “a plurality of loaders.”

Regarding independent claim 16 and its dependent claims (i.e., claims 17-22), claim 16 recites “[a] method for updating firmware in an electronic device with a file system, the method comprising downloading information for updating firmware in the electronic device from a

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server; saving the downloaded information for updating firmware in the file system; storing a location in the file system of the saved information for updating firmware to a memory reference; and determining whether the firmware needs to be updated when the electronic device reboots.”

Applicants respectfully submit that the cited prior art, Lajoie, does not teach the claimed invention of claim 16. More specifically, for example, Lajoie does not teach “storing a location in the file system of the saved information for updating firmware to a memory reference.” Instead, Lajoie discloses a firmware header, which holds data associated with the current version of the firmware and data associated with the different programs found on the device (paragraph 0029, lines 1-4). The firmware header, in Lajoie, does not hold data associated with the downloaded and saved information.

Claim Rejections under 35 U.S.C. § 103(a)

Claims 7, 10, and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lajoie et al. (U.S. Pub. 2004/0015952A1). Claims 7, 10, and 15 are dependent claims based upon independent claim 1. Applicants traverse the rejection of the base claim 1 as set forth hereinabove, making the rejection of claims 7, 10, and 15 moot.

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CONCLUSION

By this response, claim 2 has been amended.

Based on at least the foregoing, Applicants believe that all pending claims are in condition for allowance and respectfully request that the application be allowed and passed to issuance. If Examiner disagrees or has questions regarding this submission, Applicants invite Examiner to telephone the undersigned at (312) 775-8000.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C. Winslade', written over a horizontal line.

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